

Agency 20

Crime Victims Compensation Board

Editor's Note:

Effective July 1, 1989, the crime victims reparations board shall be and is hereby officially designated as the crime victims compensation board. On and after July 1, 1989, whenever the crime victims reparations board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference shall mean and apply to the crime victims compensation board.

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Article 1.—DEFINITIONS

20-1-1. Definitions. (a) “Accomplice” means one who is guilty of uniting with another in a crime, either by being present and aiding or abetting in it, or by advising and encouraging it although absent from the place where it was committed, or by inciting the criminal conduct causing the claimant’s injury.

(b) “Act” means K.S.A. 74-7301 *et seq.* or any amendments thereto.

(c) “Board” means the crime victims compensation board.

(d) “Offender” means a person legally accountable or answerable for a crime.

(e) “Dependent” means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim’s death.

(f) “Formal hearing” means a contested hearing within the meaning of K.S.A. 74-7307, and amendments thereto.

(g) “Grief therapy” means counseling or treatment of a victim by reason of family grief, as defined herein.

(h) “Informal hearing” means an informal meeting of the parties to determine if the claim may be disposed of by stipulation, agreed settlement, consent order or default.

(i) “Mental health counseling” means problem-solving and support concerning emotional issues that result from criminal victimization. Mental health counseling:

(1) Is a confidential service provided in person either on an individual basis or in a group; and

(2) has as its primary purpose the enhancement, protection and restoration of the victim’s sense of well-being and social functioning skills; and

(3) does not include:

(A) Efforts to verify or validate claims or reports of criminally injurious conduct;

(B) advocacy functions, including attendance

at medical or law enforcement procedures or criminal justice proceedings; or

(C) crisis telephone counseling.

(j) "Out-of-pocket loss" means an allowance expense as defined by K.S.A. 74-7301, and amendments thereto, which the claimant paid prior to the disposition of the claim.

(k) "Victim" means a person who is not a victim by reason of family grief, as defined herein, and who suffers personal injury or death as a direct result of any of the following:

(1) Criminally injurious conduct of another person;

(2) a good faith effort to prevent criminally injurious conduct; or

(3) a good faith effort to apprehend a person suspected of engaging in criminally injurious conduct.

(l) "Reasonable notice" means 10 days prior to the date of any hearing conducted under the act.

(m) "Victim by reason of family grief" means the spouse, children, siblings, parents, legal guardian, stepparents and grandparents of a homicide victim. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166; § 1; effective May 1, 1980; amended May 1, 1984; amended Nov. 15, 1993.)

20-1-2. Same. Terms defined in the act have the same meaning when used in these rules. (Authorized by K.S.A. 1979 Supp. 74-7304; effective May 1, 1980.)

Article 2.—CLAIMS

20-2-1. Investigation of claims. Each claim, when accepted for filing, shall be investigated by a staff investigator who shall report to the board. The report shall include summaries or transcripts of interviews with the claimants, summaries or transcripts of interviews with any witness, a summary of information regarding financial stress, copies of any relevant medical or financial data or police reports, a copy of the claimant's application and any other information deemed relevant. (Authorized by and implementing K.S.A. 74-7304; effective May 1, 1980; amended May 1, 1984.)

20-2-2. Decision on a claim. (a) After examining the papers filed in support of the claim, and the report of investigation, and after a hearing, whether formal or informal, if any, the board shall make a decision either making an award or

denying the claim. All claimants and attorneys shall fully cooperate with the investigators, agents and representatives of the board and with law enforcement agencies. If such cooperation is refused, the board may deny the claim.

(b) When the determination of the claim is made by the board, the board shall file the decision and the reason for that decision with the executive director of the board. The executive director shall notify the claimant or claimant's attorney of the decision by mailing a copy of the decision to the claimant or the claimant's attorney. (Authorized by K.S.A. 74-7304; implementing K.S.A. 1982 Supp. 74-7305, 74-7307; effective May 1, 1980; amended May 1, 1984.)

20-2-3. Mental health counseling award.

Each mental health counseling award shall be subject to the following limitations.

(a) Each victim of a crime may be considered for up to a \$3,500.00 mental health counseling award.

(1) A standard treatment plan based on these limitations shall be approved by the board.

(2) Compensation beyond the \$3,500.00 maximum for mental health counseling may be awarded provided the board finds extenuating circumstances justify such action and that such action is supported by information, reports, or a mental health treatment plan, and recommendations of a mental health counseling provider or physician.

(3) The award for a mental health evaluation shall not exceed \$300.00, which may be in addition to the \$3,500.00 maximum. For purposes of this paragraph, mental health evaluation means a diagnostic interview examination, including history, mental status or disposition, that is administered in order to determine a plan of mental health treatment.

(b) Each victim by reason of family grief may be considered for up to a \$1,000.00 grief therapy award. Compensation beyond the \$1,000.00 maximum may be awarded provided the board finds extenuating circumstances justify such action and that such action is supported by information, reports, or a mental health treatment plan, and recommendations of a mental health counseling provider or physician.

(c) If the mental health treatment plan for a victim requires that others, not including the offender, be involved in treatment, costs for third-party counseling may be compensable up to

\$3,500.00, if the third-party counseling is directly and beneficially related to the plan for treatment of the victim. Family counseling or other counseling involving a third-party shall not be compensable unless:

(1) the primary victim is present in the counseling sessions or the focus of the treatment is to assist the victim's recovery; and

(2) the mental health treatment plan addresses the need for third-party counseling.

(d) Compensable counseling may be provided in:

(1) A medical or psychiatric setting under the supervision of a medical doctor or a psychiatrist. The costs of such counseling incurred during in-patient treatment shall be applied toward the maximum claim for in-patient treatment; or

(2) A non-medical setting by an individual licensed or registered by the Kansas behavioral science regulatory board, the Kansas board of healing arts or counterpart boards in other jurisdictions having similar licensure or registration requirements, if the counseling falls within the professional parameters of the provider's license or registration.

(e) In-patient hospitalization shall be considered only if the condition is life-threatening and the hospitalization has been recommended by the victim's physician or mental health counseling provider. Reimbursement for each instance of in-patient treatment and care shall not exceed the cost of treatment for a period of 10 days or \$10,000.00, whichever is less. Compensation beyond the \$10,000.00 maximum may be awarded provided the board finds extenuating circumstances justify such action and that such action is supported by information, reports, or a mental health treatment plan, and recommendations of a mental health counseling provider or physician.

(f) The following limits on counseling rates shall apply to out-patient mental health counseling:

- (1) Individual and family counseling in a non-medical setting..... \$60.00 per hour
- (2) Group therapy \$40.00 per hour

These rates shall apply to individuals performing treatment. Compensation shall not be awarded to pay the costs of persons supervising treatment.

(g) If it is apparent from the treatment plan that treatment is addressing issues not directly related to the crime, only that portion of the treat-

ment which is addressing the victimization shall be compensable.

(h) This regulation shall apply to all claims received by the board after the effective date of the regulation. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166, § 1; effective Nov. 15, 1993.)

20-2-4. Request for tentative award; application; completion. A request for a tentative award shall be considered by the board only if the application of which it is a part is properly completed. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7314; effective May 1, 1980; amended May 1, 1984.)

20-2-5. Review of decision on a claim. (a) The claimant may, within 30 days after receipt of the decision of the board, make an application in writing to the board for reconsideration of the board's decision.

(b) Upon receipt of an application for reconsideration unless waived by the claimant, a formal hearing, unless waived by the claimant, shall be held to receive any evidence that may be presented by the claimant or other interested persons and to hear argument prior to the rendering of a decision. The board shall file, with the executive director of the board, a written report setting forth the reasons for its decision.

(c) Upon written application for reconsideration by the claimant or claimant's attorney, or upon motion of a board member, the case may be reopened for further investigation pursuant to K.S.A. 74-7304. If the board finds it necessary, further testimony may be received. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7315; effective May 1, 1980; amended May 1, 1984.)

20-2-6. Failure to properly report criminally injurious conduct. (a) To be eligible for an award of compensation, each victim shall report any criminally injurious conduct resulting in injury or death to a law enforcement officer within 72 hours after its occurrence. Subject to the restrictions of K.S.A. 74-7305, as amended, this rule may be waived by the board if the board finds that there was good cause for the failure to timely report.

(b) The following factors may be considered by the board in determining the existence of good cause:

(1) The physical, emotional and mental condition of the victim;

(2) the nature and circumstances of the crime;
 (3) the victim's family situation at the time of the criminally injurious conduct;

(4) the earliest point at which the criminally injurious conduct could reasonably have been reported;

(5) the victim's good faith belief that a timely report had been made to the appropriate law enforcement officials or agency; or

(6) whether the victim was a minor at the time of an offense specified in K.S.A. 74-7305(b) and the report was made within the statute of limitations for prosecution of the offense. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166, § 1; effective Nov. 15, 1993.)

20-2-7. Cooperation with law enforcement. (a) An award of compensation may be denied, withdrawn or reduced if the board finds that the claimant or victim has not fully cooperated with appropriate law enforcement agencies.

(b) Cooperation with appropriate law enforcement agencies may include:

(1) reporting the crime in a timely manner to permit law enforcement to investigate, identify and charge those responsible for the crime;

(2) providing information, upon request, to law enforcement and prosecutors investigating the crime;

(3) cooperating with law enforcement procedures; and

(4) appearing in court to testify as required, unless just cause is shown for any failure to appear. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166, § 1; effective Nov. 15, 1993.)

20-2-8. Contributory misconduct. (a) An award of compensation may be reduced if the board finds that the claimant or the victim through whom the claimant makes the claim has contributed to the injury for which the claim is made. The following acts or behavior may signify contributory misconduct:

(1) Consent, provocation or incitement, including the use of fighting words or obscene gestures;

(2) willing presence in a vehicle operated by a person who is known to be under the influence of alcohol or an illegal controlled substance;

(3) abuse of alcohol or an illegal substance;

(4) failure to retreat or withdraw from a threat-

ening situation when an option to do so is readily available; or

(5) failure to act as a prudent person.

(b) The acts and behaviors listed in subsection (a) of this regulation may be excused in cases involving domestic abuse or sexual assault. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166, § 1; effective Nov. 15, 1993.)

20-2-9. Allowable expenses. (a) Reasonable expenses for medical care shall be allowed only if the medical care provider is properly registered or licensed by the appropriate licensing entity.

(b) Moving expenses may be allowed if law enforcement authorities have recommended the move for safety reasons.

(c) Mileage expenses may be allowed for medically necessary travel.

(1) Allowable mileage expenses shall not exceed the rate established by the secretary of administration pursuant to K.S.A. 75-3203a, and amendments thereto.

(2) Mileage expenses shall not be allowed during the period of time that a claimant is receiving wage loss reimbursement from the board.

(d) Meal expenses shall not be allowed. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7304, 74-7305, as amended by L. 1993, ch. 166, § 1; effective Nov. 15, 1993.)

Article 3.—HEARINGS

20-3-1. Notice of formal hearing. The claimant, the claimant's attorney, and all interested parties, shall be notified in writing of any formal hearing pursuant to K.S.A. 74-7307, and said notice shall be mailed not less than 10 days before the date of the hearing. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7307; effective May 1, 1980; amended May 1, 1984.)

20-3-2. Formal hearings. (a) The claimant may be present at the formal hearing and shall be allowed to present testimony or cross-examine witnesses in person or by counsel.

(b) The claimant shall have the burden of proof. The parties or their representatives shall be allowed a reasonable time for presentation of oral argument or for the filing of briefs, statements or depositions as to the facts or the law.

(c) The board shall receive, as evidence, any statement, document, information or matter that

it finds relevant and of such a nature as to afford the parties a fair hearing. The board may also accept hospital records and reports and physician's reports as evidence of the injury sustained without requiring the presence of the attending physician at the hearing.

(d) The board may direct medical examinations of the claimant by a physician designated by the board for this purpose. The claimant shall be present at the office of the physician named at the time and place designated. A written report of that examination shall be filed, by the examining physician, with the board and a copy shall be mailed to the claimant or claimant's attorney. Payment of expenses associated with this examination shall be made by the board from claim funds.

(e) All formal hearings shall be conducted in an orderly manner in order to ascertain the substantial rights of the parties. All witnesses shall testify under oath or by affirmation and a record of the proceedings may be transcribed. The board may examine the claimant and all witnesses.

(f) Formal hearings may be adjourned on motion of the board or upon timely request of any interested party. The failure of the claimant to appear at the time of the hearing may, in the discretion of the board, upon good cause shown, be excused and a new hearing scheduled. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7307, 74-7308; effective May 1, 1980; amended May 1, 1984.)

Article 4.—ATTORNEY FEES

20-4-1. Attorney; assistance in preparation of application; fees. (a) Each attorney representing a claimant shall submit to the board an itemized statement of the attorney's time expended on behalf of the claimant in preparation of the claim.

(b) The attorney fee shall be at a rate of \$45.00 per hour for time expended in preparation, investigation and presentation of the claim, together with reimbursement for mileage at the rate allowed by rules and regulations, adopted by the department of administration, for reimbursement of public officials. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7311; effective May 1, 1980; amended May 1, 1984.)

Article 5.—ASSIGNMENT

20-5-1. Assignment to providers of allowable expenses. Upon request of the board,

the claimant shall execute an assignment form approved by the board for payment of unpaid allowable expenses. The minimum amount to be assigned is fifteen dollars (\$15.00). (Authorized by K.S.A. 1979 Supp. 74-7304; effective May 1, 1980.)

Article 6.—DEFINITIONS

20-6-1. Definitions. (a) "Assistance" means acting, speaking, or writing on behalf of a victim or victims of domestic abuse.

(b) "Crisis intervention" means to provide assistance to a person who is in danger of or who has experienced domestic abuse.

(c) "The board" means the crime victims reparations board.

(d) "Domestic abuse" means all acts of emotional, physical, and sexual abuse between spouses, parents, children, siblings, and other related persons, present and former cohabitants, ex-spouses, other members of the same household, including elderly and physically handicapped persons.

(e) "Education" means to provide information about domestic abuse programs, services, or issues to specific groups or the public at large.

(f) "Emergency shelter" means residential care and protection for persons 18 years or older, children under 18 who are in the care or custody of adult victims, and emancipated minors.

(g) "Domestic abuse program" means an agency, board or other administrative entity that provides or proposes to provide 24-hour crisis intervention services, shelter or safe house facilities, advocacy and referral services, and emergency transportation.

(h) "Fiscal year (FY)" means a 12-month period that begins on July 1, and ends on June 30.

(i) "Grantee agency" means a program or service that is available to victims of domestic abuse and that is receiving funds from the board under K.S.A. 1984 Supp. 74-7325; and any amendments thereto.

(j) "Grantor" means the board.

(k) "Referral" means directing a victim or victims of domestic abuse to available resources for aid or information.

(l) "Safehouse" means a private residence, motel, or hotel used to provide 24-hour care to victims of domestic abuse.

(m) "Service" means a specific activity providing assistance to victims of domestic abuse.

(n) "Shelter" means a facility which provides 24-hour care for more than seven victims of domestic abuse, including dependent children.

(o) "Therapeutic counseling" means professional guidance provided towards the goal of reducing the incidence of domestic abuse and diminishing its impact on victims.

(p) "Victim" means a person who is in danger of or who has experienced domestic abuse. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986.)

Article 7.—FUNDING PRIORITIES

20-7-1. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

20-7-2 to 20-7-4. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

Article 8.—ELIGIBILITY REQUIREMENTS

20-8-1 through 20-8-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

20-8-3. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

20-8-4. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

Article 9.—ALLOCATION OF FUNDING

20-9-1. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended,

T-86-14, June 17, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

20-9-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

20-9-3. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

20-9-4 to 20-9-6. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

Article 10.—GRANT APPLICATION REQUIREMENTS

20-10-1 through 20-10-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

Article 11.—GRANT REVIEW AND APPEALS

20-11-1. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

20-11-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

20-11-3 and 20-11-4. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

Article 12.—FUNDING DISBURSEMENT

20-12-1 and 20-12-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1,

1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

Article 13.—GRANTEE ACCOUNTABILITY

20-13-1. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

20-13-2. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-45, Dec. 18, 1985; amended May 1, 1986; revoked Jan. 11, 2002.)

20-13-3. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-86-45, Dec. 18, 1985; effective May 1, 1986; revoked Jan. 11, 2002.)

Article 14.—GRANTOR MONITORING RESPONSIBILITIES

20-14-1. (Authorized by and implementing K.S.A. 1984 Supp. 74-7325; effective, T-85-27, Nov. 14, 1984; effective May 1, 1985; amended, T-86-14, June 17, 1985; revoked, T-86-45, Dec. 18, 1985; revoked May 1, 1986.)

Article 15.—NOTORIETY FOR PROFIT CONTRACTS

20-15-1. Determinations by the board under L. 1986 ch. 306, sec. 2. (a) Upon receipt of information concerning a transaction which may be subject to the provisions of L. 1986 ch. 306, sec. 2, the chairperson of the Crime Victims Reparations Board, or a person or persons designated by the chairperson, shall promptly conduct an investigation to determine whether the proposed contract or other matter falls within the provisions of L. 1986 ch. 306, sec. 2. Upon completion of the investigation, the board's proposed determination, administrative order with regard to the contract or other matter in question, or both, shall be issued.

(b) Written notice of the proposed determination, or both shall be served in the same manner as a service of a summons under the code of civil procedure on the contracting party or parties, the person accused or convicted of a crime who is the subject of the contract or matter, and any known victims of the person accused or convicted of a

crime. The same notice shall be served by certified mail, return receipt requested, on any other persons or legal entities that the board determines have an interest in the contract or subject matter of the proposed determination or order. The notice shall contain the following statement:

"This proposed determination will become final within 30 days of the date of service of this notice unless a hearing is requested in writing by an interested party. If you disagree with the proposed determination or order, you have the right to a hearing before the Crime Victims Reparations Board prior to a final determination in this matter. A request for a hearing must be made in writing and should state the reason for your disagreement with the proposed determination or order, and your interest in this matter."

(c) Upon receipt of a request for a hearing, a hearing on the matter shall be scheduled and conducted.

(d) Hearings shall be conducted in accordance with the Kansas administrative procedure act and K.A.R. 20-3-1 and K.A.R. 20-3-2, except that the provisions regarding the approval of attorneys' fees shall not apply to hearings under this regulation. The word "claimant" as used in K.A.R. 20-3-1 and K.A.R. 20-3-2 shall be deemed for purposes of this regulation to include any party requesting or participating in a hearing under this regulation.

(e) After due deliberation and consideration by the board, a report shall be issued. The report shall include the board's findings of fact, conclusions of law or reasons for its determination or its order in the matter. The report shall be a final decision of the board.

(f) For good cause shown, a hearing may be ordered prior to the issuance of a proposed determination, or a rehearing or reconsideration may be provided by the board at any time subsequent to any hearing conducted under regulation. (Authorized by L. 1986, ch. 306, sec. 4; implementing L. 1986, ch. 306, sec. 2, 3, 4; effective May 1, 1987.)

20-15-2. Separate escrow accounts under L. 1986, ch. 306, sec. 2. (a) After moneys subject to provision of L. 1986, ch. 306, sec. 2 are received by the board, a request shall be made by the board, to the director of accounts and reports, that the director establish a separate interest-bearing escrow account for each contract entered.

(b) When an escrow account has insufficient

funds to meet all claims presented by victims or their representatives, the escrow account shall be prorated among the victims or their representatives on the basis of the full amount of the unsatisfied claim or partially satisfied claim. No payment shall be made from the escrow account to a victim or a victim's representative until either the

amounts of all unsatisfied claims are determined, or it is determined that the payment for an unsatisfied claim will not diminish the escrow account to the extent that other potential victim claims could not be satisfied. (Authorized by L. 1986, ch. 306, sec. 4; implementing L. 1986, ch. 306, sec. 2, 3, 4; effective May 1, 1987.)